

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

PATIENCE UDODIMMA NNODIM
431 Blackberry Lane
Pinole, CA 94564

Registered Nurse License No. 548534

Respondent.

Case No. 2008-166

OAH No. 2008010271

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 15, 2009.
It is so ORDERED June 15, 2009.

Suzanne G. Phil - MSN RN, FNP-BC
FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 LESLIE E. BRAST, State Bar No. 203296
Deputy Attorney General
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
5 Telephone: (415) 703-5548
Facsimile: (415) 703-5480
6

Attorneys for Complainant
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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

11 **PATIENCE UDODIMMA NNODIM**
431 Blackberry Lane
12 Pinole, CA 94564

13 Registered Nurse License No. 548534

14 Respondent.
15

Case No. 2008-166

OAH No. 2008010271

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 In the interest of a prompt and speedy settlement of this matter, consistent with
17 the public interest and the responsibility of the Board of Registered Nursing (Board), Department
18 of Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and
19 Disciplinary Order which will be submitted to the Board for approval and adoption as the final
20 disposition of the Accusation.

21 **PARTIES**

22 1. Ruth Ann Terry, M.P.H, R.N. (Complainant), is the Executive Officer of
23 the Board of Registered Nursing. She brought this action solely in her official capacity and is
24 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
25 by Leslie E. Brast, Deputy Attorney General.

26 2. Respondent Patience Udodimma Nnodim (Respondent) is represented in
27 this proceeding by attorney Christine Hopkins of the Law Offices of John F. Martin, whose
28 address is 3100 Oak Road, Suite 230, Walnut Creek, CA 94596.

1 3. On or about October 2, 1998, the Board issued Registered Nurse License
2 No. 548534 to Respondent. The license was in full force and effect at all times relevant to the
3 charges brought in Accusation No. 2008-166; it will expire November 30, 2009, unless renewed.

4 JURISDICTION

5 4. Accusation No. 2008-166 was filed before the Board on November 14,
6 2007, and is currently pending against Respondent. The Accusation and all other statutorily
7 required documents were properly served on Respondent on December 4, 2007. Respondent
8 timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No.
9 2008-166 is attached as "Exhibit A" and incorporated herein by reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, fully discussed with counsel, and
12 understands the charges and allegations in Accusation No. 2008-166. Respondent has also
13 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
14 Settlement and Disciplinary Order.

15 6. Respondent is fully aware of her legal rights in this matter, including the
16 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
17 counsel at her own expense; the right to confront and cross-examine the witnesses against her;
18 the right to present evidence and to testify on her own behalf; the right to the issuance of
19 subpoenas to compel the attendance of witnesses and the production of documents; the right to
20 reconsideration and court review of an adverse decision; and all other rights accorded by the
21 California Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
23 each and every right set forth above.

24 CULPABILITY

25 8. Respondent admits the truth of each and every charge and allegation in
26 Accusation No. 2008-166. Respondent agrees that her Registered Nurse License is subject to
27 discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the
28 Disciplinary Order below.

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1 compliance with this condition, Respondent shall submit completed fingerprint forms and
2 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
3 as part of the licensure application process.

4 **Criminal Court Orders:** If Respondent is under criminal court orders, including
5 probation or parole, and the order is violated, this shall be deemed a violation of these probation
6 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

7 2. **Comply with the Board's Probation Program.** Respondent shall fully
8 comply with the conditions of the Probation Program established by the Board and cooperate
9 with representatives of the Board in its monitoring and investigation of the Respondent's
10 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
11 within no more than 15 days of any address change and shall at all times maintain an active,
12 current license status with the Board, including during any period of suspension.

13 Upon successful completion of probation, Respondent's license shall be fully
14 restored.

15 3. **Report in Person.** Respondent, during the period of probation, shall
16 appear in person at interviews/meetings as directed by the Board or its designated
17 representatives.

18 4. **Residency, Practice, or Licensure Outside of State.** Periods of
19 residency or practice as a registered nurse outside of California shall not apply toward a
20 reduction of this probation time period. Respondent's probation is tolled, if and when she
21 resides outside of California. Respondent must provide written notice to the Board within 15
22 days of any change of residency or practice outside the state, and within 30 days prior to re-
23 establishing residency or returning to practice in this state.

24 Respondent shall provide a list of all states and territories where she has ever been
25 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
26 provide information regarding the status of each license and any changes in such license status
27 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
28 new nursing license during the term of probation.

1 5. **Submit Written Reports.** Respondent, during the period of probation,
2 shall submit or cause to be submitted such written reports/declarations and verification of actions
3 under penalty of perjury, as required by the Board. These reports/declarations shall contain
4 statements relative to Respondent's compliance with all the conditions of the Board's Probation
5 Program. Respondent shall immediately execute all release of information forms as may be
6 required by the Board or its representatives.

7 Respondent shall provide a copy of this Decision to the nursing regulatory agency
8 in every state and territory in which she has a registered nurse license.

9 6. **Function as a Registered Nurse.** Respondent, during the period of
10 probation, shall engage in the practice of registered nursing in California for a minimum of 24
11 hours per week for 6 consecutive months or as determined by the Board.

12 For purposes of compliance with the section, "engage in the practice of registered
13 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
14 work in any non-direct patient care position that requires licensure as a registered nurse.

15 The Board may require that advanced practice nurses engage in advanced practice
16 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
17 Board.

18 If Respondent has not complied with this condition during the probationary term,
19 and Respondent has presented sufficient documentation of her good faith efforts to comply with
20 this condition, and if no other conditions have been violated, the Board, in its discretion, may
21 grant an extension of Respondent's probation period up to one year without further hearing in
22 order to comply with this condition. During the one year extension, all original conditions of
23 probation shall apply.

24 7. **Employment Approval and Reporting Requirements.** Respondent
25 shall obtain prior approval from the Board before commencing or continuing any employment,
26 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
27 performance evaluations and other employment related reports as a registered nurse upon request
28 of the Board.

1 Respondent shall provide a copy of this Decision to her employer and immediate
2 supervisors prior to commencement of any nursing or other health care related employment.

3 In addition to the above, Respondent shall notify the Board in writing within
4 seventy-two (72) hours after she obtains any nursing or other health care related employment.
5 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
6 terminated or separated, regardless of cause, from any nursing, or other health care related
7 employment with a full explanation of the circumstances surrounding the termination or
8 separation.

9 8. **Supervision.** Respondent shall obtain prior approval from the Board
10 regarding Respondent's level of supervision and/or collaboration before commencing or
11 continuing any employment as a registered nurse, or education and training that includes patient
12 care.

13 Respondent shall practice only under the direct supervision of a registered nurse
14 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
15 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
16 are approved.

17 Respondent's level of supervision and/or collaboration may include, but is not
18 limited to the following:

19 (a) Maximum - The individual providing supervision and/or collaboration is
20 present in the patient care area or in any other work setting at all times.

21 (b) Moderate - The individual providing supervision and/or collaboration is in
22 the patient care unit or in any other work setting at least half the hours Respondent works.

23 (c) Minimum - The individual providing supervision and/or collaboration has
24 person-to-person communication with Respondent at least twice during each shift worked.

25 (d) Home Health Care - If Respondent is approved to work in the home health
26 care setting, the individual providing supervision and/or collaboration shall have person-to-
27 person communication with Respondent as required by the Board each work day. Respondent
28 shall maintain telephone or other telecommunication contact with the individual providing

1 supervision and/or collaboration as required by the Board during each work day. The individual
2 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
3 site visits to patients' homes visited by Respondent with or without Respondent present.

4 **9. Employment Limitations.** Respondent shall not work for a nurse's
5 registry, in any private duty position as a registered nurse, a temporary nurse placement agency,
6 a traveling nurse, or for an in-house nursing pool.

7 Respondent shall not work for a licensed home health agency as a visiting nurse
8 unless the registered nursing supervision and other protections for home visits have been
9 approved by the Board. Respondent shall not work in any other registered nursing occupation
10 where home visits are required.

11 Respondent shall not work in any health care setting as a supervisor of registered
12 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
13 nurses and/or unlicensed assistive personnel on a case-by-case basis.

14 Respondent shall not work as a faculty member in an approved school of nursing
15 or as an instructor in a Board approved continuing education program.

16 Respondent shall work only on a regularly assigned, identified and predetermined
17 worksite(s) and shall not work in a float capacity.

18 If Respondent is working or intends to work in excess of 40 hours per week, the
19 Board may request documentation to determine whether there should be restrictions on the hours
20 of work.

21 **10. Complete a Nursing Course(s).** Respondent, at her own expense, shall
22 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
23 than six months prior to the end of her probationary term.

24 Respondent shall obtain prior approval from the Board before enrolling in the
25 course(s). Respondent shall submit to the Board the original transcripts or certificates of
26 completion for the above required course(s). The Board shall return the original documents to
27 Respondent after photocopying them for its records.

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1 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with
2 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
3 amount of \$3,400.00. Respondent shall be permitted to pay these costs in a payment plan
4 approved by the Board, with payments to be completed no later than three months prior to the
5 end of the probation term.

6 If Respondent has not complied with this condition during the probationary term,
7 and Respondent has presented sufficient documentation of her good faith efforts to comply with
8 this condition, and if no other conditions have been violated, the Board, in its discretion, may
9 grant an extension of Respondent's probation period up to one year without further hearing in
10 order to comply with this condition. During the one year extension, all original conditions of
11 probation will apply.

12 12. **Violation of Probation.** If Respondent violates the conditions of her
13 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
14 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
15 license.

16 If during the period of probation, an accusation or petition to revoke probation has
17 been filed against Respondent's license or the Attorney General's Office has been requested to
18 prepare an accusation or petition to revoke probation against Respondent's license, the
19 probationary period shall automatically be extended and shall not expire until the accusation or
20 petition has been acted upon by the Board.

21 13. **License Surrender.** During Respondent's term of probation, if she ceases
22 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
23 probation, Respondent may surrender her license to the Board. The Board reserves the right to
24 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
25 take any other action deemed appropriate and reasonable under the circumstances, without
26 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
27 will no longer be subject to the conditions of probation.

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1 Surrender of Respondent's license shall be considered a disciplinary action and
2 shall become a part of Respondent's license history with the Board. A registered nurse whose
3 license has been surrendered may petition the Board for reinstatement no sooner than the
4 following minimum periods from the effective date of the disciplinary decision:

5 (1) Two years for reinstatement of a license that was surrendered for any
6 reason other than a mental or physical illness; or

7 (2) One year for a license surrendered for a mental or physical illness.

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9 ACCEPTANCE

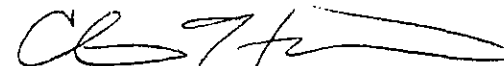
10 I have carefully read the above Stipulated Settlement and Disciplinary Order and
11 have fully discussed it with my attorney, Christine Hopkins. I understand the stipulation and the
12 effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and
13 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
14 Decision and Order of the Board of Registered Nursing.

15 DATED: 3/25/08

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17 
18 PATIENCE UDODIMMA NNODIM
19 Respondent

20 I have read and fully discussed with Respondent Patience Udodimma Nnodim the
21 terms and conditions and other matters contained in the above Stipulated Settlement and
22 Disciplinary Order. I approve its form and content.

23 DATED: 3/25/08

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26 CHRISTINE HOPKINS
27 Attorney for Respondent

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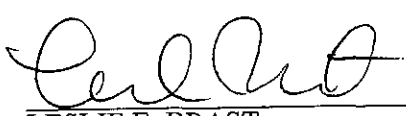
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
submitted for consideration by the Board of Registered Nursing.

DATED: March 17, 2009

EDMUND G. BROWN JR., Attorney General
of the State of California

FRANK H. PACOE
Supervising Deputy Attorney General



LESLIE E. BRAST
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: SF2007402510
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Exhibit A

Accusation No. 2008-166

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 LESLIE E. BRAST, State Bar No. 203296
Deputy Attorney General
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
5 Telephone: (415) 703-5548
Facsimile: (415) 703-5480

6 Attorneys for Complainant

7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2000-166

13 **PATIENCE UDODIMMA NZEH NNODIM**
14 431 Blackberry Lane
Pinole, CA 94564

A C C U S A T I O N

15 Registered Nurse License No. 548534

Respondent.

16 Complainant alleges:

17 PARTIES

18 1. Ruth Ann Terry, M.P.H., R.N. (Complainant), brings this Accusation
19 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
20 (Board), Department of Consumer Affairs.

21 2. On or about October 2, 1998, the Board issued Registered Nurse License
22 Number 548534 to Patience Udodimma Nzeh Nnodim (Respondent). The license was in full
23 force and effect at all times relevant to the charges brought herein; it will expire on November
24 30, 2007, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board under the authority of the
27 following laws. All section references are to the Business and Professions Code (Code) unless
28 otherwise indicated.

1 4. Code section 2750 provides, in pertinent part, that the Board may
2 discipline any licensee, including a licensee holding a temporary or an inactive license, for any
3 reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4 5. Code section 2764 provides, in pertinent part, that the expiration of a
5 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
6 against the licensee or to render a decision imposing discipline on the license.

7 STATUTORY PROVISIONS

8 6. Code section 2761 states:

9 “The board may take disciplinary action against a certified or licensed nurse or
10 deny an application for a certificate or license for any of the following:

11 (a) Unprofessional conduct, which includes, but is not limited to, the following:

12 (1) Incompetence, or gross negligence in carrying out usual certified or licensed
13 nursing functions. . .”

14 7. California Code of Regulations, title 16, section 1442, states:

15 “As used in Section 2761 of the code, ‘gross negligence’ includes an extreme
16 departure from the standard of care which, under similar circumstances, would have ordinarily
17 been exercised by a competent registered nurse. Such an extreme departure means the repeated
18 failure to provide nursing care as required or failure to provide care or to exercise ordinary
19 precaution in a single situation which the nurse knew, or should have known, could have
20 jeopardized the client's health or life.”

21 8. California Code of Regulations, title 16, section 1443, states:

22 “As used in Section 2761 of the code, ‘incompetence’ means the lack of
23 possession of or the failure to exercise that degree of learning, skill, care and experience
24 ordinarily possessed and exercised by a competent registered nurse as described in Section
25 1443.5.”

26 9. California Code of Regulations, title 16, section 1443.5 states:

27 “A registered nurse shall be considered to be competent when he/she consistently
28 demonstrates the ability to transfer scientific knowledge from social, biological and physical

1 sciences in applying the nursing process, as follows:

2 (1) Formulates a nursing diagnosis through observation of the client's physical
3 condition and behavior, and through interpretation of information obtained from the client and
4 others, including the health team.

5 (2) Formulates a care plan, in collaboration with the client, which ensures that
6 direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and
7 protection, and for disease prevention and restorative measures.

8 (3) Performs skills essential to the kind of nursing action to be taken, explains the
9 health treatment to the client and family and teaches the client and family how to care for the
10 client's health needs.

11 (4) Delegates tasks to subordinates based on the legal scopes of practice of the
12 subordinates and on the preparation and capability needed in the tasks to be delegated, and
13 effectively supervises nursing care being given by subordinates.

14 (5) Evaluates the effectiveness of the care plan through observation of the client's
15 physical condition and behavior, signs and symptoms of illness, and reactions to treatment and
16 through communication with the client and health team members, and modifies the plan as
17 needed.

18 (6) Acts as the client's advocate, as circumstances require, by initiating action to
19 improve health care or to change decisions or activities which are against the interests or wishes
20 of the client, and by giving the client the opportunity to make informed decisions about health
21 care before it is provided."

22 COST RECOVERY

23 10. Code section 125.3 provides, in pertinent part, that the Board may request
24 the administrative law judge to direct a licensee found to have committed a violation or
25 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
26 and enforcement of the case.

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1 PRAYER

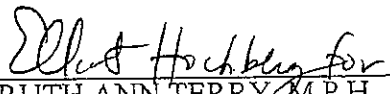
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 548534, issued
5 to Patience Udodimma Nzeh Nnodim;

6 2. Ordering Patience Udodimma Nzeh Nnodim to pay the Board of
7 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
8 pursuant to Business and Professions Code section 125.3; and,

9 3. Taking such other and further action as deemed necessary and proper.
10

11 DATED: 11/14/07

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13 
14 RUTH ANN TERRY, M.P.H., R.N.
15 Executive Officer
16 Board of Registered Nursing
17 Department of Consumer Affairs
18 State of California
19 Complainant

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